

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

JOSEPH H. HALE

VS.

CIVIL ACTION NO. 3:08CV89-GHD-DAS

LOL FINANCE CO., ET AL.

ORDER

This matter is before the court on motion of the plaintiff to compel discovery responses (# 30). With his motion, the plaintiff explains he initially propounded discovery on February 11, 2009. On April 30, 2009, the defendant responded to the discovery with what the plaintiff contends are inadequate responses. The defendant explains in its response that the answers to the discovery requests were provided long after the thirty-day period for responding had passed because it had difficulty discerning precisely what it was the plaintiff sought. Unsatisfied with the bulk of responses provided, the plaintiff filed the present motion to compel.

The court has examined the plaintiff's motion, and while the court is sympathetic to the plaintiff's frustration, the rules must be followed. Because the plaintiff did not follow the local rule, the court is unable to grant the present motion. Local Rule 37.1 provides, among other things, that "prior to service of a discovery motion, all counsel shall confer in good faith to determine to what extent the issue in question can be resolved without court intervention." Counsel shall then file along with its motion a Good Faith Certificate "signed by all counsel." The court is aware that the plaintiff attempted to comply with the rules, but a certificate can be more than simply a formalistic procedure. Because the certificate must be signed by all counsel, the procedure often alerts the allegedly derelict party that this is a matter of some seriousness.

The court would note that denial of the present motion is in no way intended as a position on the merits of the motion. Should the plaintiff attempt once again to confer in good faith and receive what it believes unsatisfactory responses, and if the federal and local rules are followed, the court will consider the matter at that time.

IT IS THEREFORE ORDERED that the plaintiff's motion to compel discovery responses (# 30) is hereby DENIED.

SO ORDERED, this the 5th day of June 2009.

/s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE